

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

KHALIFAH ABDUL-KHALIQ, : 09 Civ. 2516 (SHS)

Petitioner, :

-against- : ORDER

JOSEPH T. SMITH, :

Respondent. :

x

SIDNEY H. STEIN, U.S. District Judge.

On December 7, 2010, Magistrate Judge Michael H. Dolinger recommended that Abdul-Khaliq's writ of *habeas corpus* be denied and the petition be dismissed. The Court has received objections from petitioner dated February 7, 2011. After a *de novo* review of the December 7, 2010 Report and Recommendation and petitioner's objections,

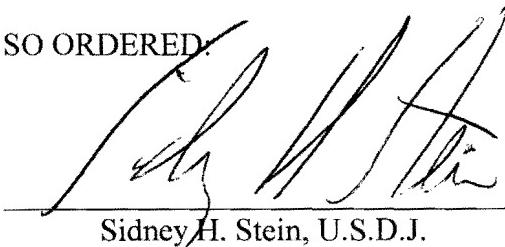
IT IS HEREBY ORDERED that:

1. Magistrate Judge Dolinger's Report and Recommendation is adopted;
2. The petition for a writ of *habeas corpus* is denied, and the petition is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
February 23, 2011

SO ORDERED:



Sidney H. Stein, U.S.D.J.